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d/b/a Wholesale Deals*

**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

APOTHECARY MOVEMENT, LLC, a Utah
limited liability company,

Plaintiff,

vs.

BH ELEGANT LINENS, LLC dbas AA
WHOLESALE DEALS a New York limited
liability company,

Defendants.

**THIRD DECLARATION OF AVI
ALHAKIM**

Civil No. 2:23-cv-00845-HCN-DAO

Judge Howard C. Nielson, Jr.

I, Avi Alhakim, a resident of the State of New York, United States of America, hereby
Declare under oath and penalty of perjury as follows:

1. I was the sole member and manager of BH.
2. I did not actually see the Summons and Complaint in this case until after I
received notice from Bank of America that my account there had been frozen on or around
March 29, 2024. I learned then about the Writ of Garnishment with the name of the case and
within days I engaged a Utah lawyer to assist me.
3. I was not “aware” of the lawsuit before March 30, 2024 and did not tell Mr.
Shaikh otherwise. Mr. Shaikh did not identify the court or the date the case was filed or the date

on which any response by me was due in any of the text messages or phone calls he references in his Declaration.

4. “Joe Cohen” is not someone I know or a name I recognize or a person that has any affiliation with BH or that I ever authorized to take any action on behalf of myself or BH, much less to receive or accept service for BH. In that regard, Mr. Shaikh’s recollection of the building where BH operated its business is mistaken and perhaps confused with another. This building is a warehouse used by multiple businesses; there is no front desk, and there is no employee of the building on site most of the time.

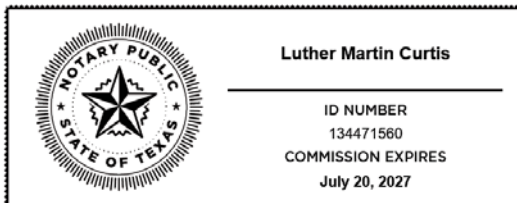
5. At all times during it’s existence, BH designated the Secretary of State of New York as its registered agent to accept service of process. Attached as Exhibit A are the Articles of Organization of BH Elegant Linens, LLC.

Dated this 10th day of May, 2024.

State of Texas
County of El Paso


Avi Alhakim

Subscribed and sworn before a person authorized to administer the oath under the laws of the State of New York this 10th day of May, 2024.




Luther Martin Curtis
Notary Public, State of Texas

Electronically signed and notarized online using the Proof platform.

CERTIFICATE OF SERVICE

I certify that on this 10th day of May, 2024, I caused a true copy of the foregoing **Third Declaration of Avi Alhakim** to be served via the court's electronic filing system upon the following:

Jordan K. Cameron
jordan@cameronringwood.com
CAMERON RINGWOOD, LC
6975 South Union Park Avenue, Suite 600
Cottonwood Heights, UT 84047
Attorneys for Apothecary Movement, LLC

Echo Peterson

EXHIBIT A

EXHIBIT A

STATE OF NEW YORK DEPARTMENT OF STATE

I hereby certify that the annexed copy for BH ELEGANT LINENS LLC, File Number 201123010282 has been compared with the original document in the custody of the Secretary of State and that the same is true copy of said original.

WITNESS my hand and official seal of the
Department of State, at the City of Albany,
on April 05, 2024.



Brendan C. Hughes

Brendan C. Hughes
Executive Deputy Secretary of State

ARTICLES OF ORGANIZATION OF

BH Elegant Linens LLC

Under Section 203 of the Limited Liability Company Law

FIRST: The name of the limited liability company is:

BH Elegant Linens LLC

SECOND: The county, within this state, in which the office of the limited liability company is to be located is **KINGS**.

THIRD: The Secretary of State is designated as agent of the limited liability company upon whom process against it may be served. The address within or without this state to which the Secretary of State shall mail a copy of any process against the limited liability company served upon him or her is:

BH Elegant Linens LLC
55 Talmadge Rd
Edison, NJ 08817

FOURTH: The limited liability company is to be managed by: **ONE OR MORE MEMBERS**.

FIFTH: The existence of the limited liability company shall begin upon filing of these Articles of Organization with the Department of State.

SIXTH: The limited liability company shall have a perpetual existence.

SEVENTH: The limited liability company shall defend, indemnify and hold harmless all members, managers, and former members and managers of the limited liability company against expenses (including attorney's fees, judgments, fines, and amounts paid in settlement) incurred in connection with any claims, causes of action, demands, damages, liabilities of the limited liability company, and any pending or threatened action, suit, or proceeding. Such indemnification shall be made to the fullest extent permitted by the laws of the State of New York, provided that such acts or omissions which gives rise to the cause of action or proceedings occurred while the Member or Manager was in performance of his or her duties for the limited liability company and was not as a result of his or her fraud, gross negligence, willful misconduct or a wrongful taking. The indemnification provided herein shall inure to the benefit of successors, assigns, heirs, executors, and the administrators of any such person.

I certify that I have read the above statements, I am authorized to sign these Articles of Organization, that the above statements are true and correct to the best of my knowledge and belief and that my signature typed below constitutes my signature.

Eili (signature)

Eili , ORGANIZER
55 Talmadge Rd
Edison, NJ 08817

Filed by:

Eili
55 Talmadge Rd
Edison, NJ 08817

**FILED WITH THE NYS DEPARTMENT OF STATE ON: 11/23/2020
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